

ORDINANCE NO. 20121213-084

AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE PROPERTY LOCATED AT 5501 ½ ROSS ROAD AND CHANGING THE ZONING MAP FROM INTERIM-SINGLE FAMILY RESIDENCE STANDARD LOT (I-SF-2) DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO) COMBINING DISTRICT AND NEIGHBORHOOD COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (LR-MU-CO) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from interim-single family residence standard lot (I-SF-2) district to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district and neighborhood commercial-mixed-use-conditional overlay (LR-MU-CO) combining district on the property described in Zoning Case No. C14-2012-0108, on file at the Planning and Development Review Department, as follows:

Tract 1:

A 5.738 acre tract of land, more or less, out of the Jose Antonio Navarro Seven League Grant, Abstract No. 18 the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance; and,

Tract 2:

A 11.023 acre tract of land, more or less, out of the Jose Antonio Navarro Seven League Grant, Abstract No. 18 the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (collectively referred to as the "Property"),

locally known as 5501 ½ Ross Road in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
- B. Drive-in service use is prohibited as an accessory use to restaurant (general) and restaurant (limited) uses.
- C. The following uses are prohibited uses of the Property:

Automotive repair services
Automotive sales
Pawn shop services
Service station

Bail bond services
Commercial off-street parking
Residential treatment

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the community commercial (GR) base district and neighborhood commercial (LR) base district, the mixed use combining district and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on December 24, 2012.

PASSED AND APPROVED

December 13

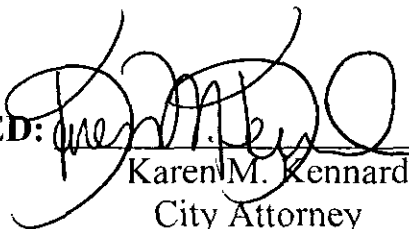
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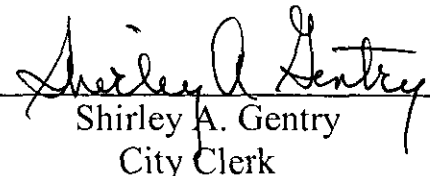
Lee Leffingwell
Mayor

APPROVED:



Karen M. Kennard
City Attorney

ATTEST:



Shirley A. Gentry
City Clerk

HOLT CARSON, INC.
PROFESSIONAL LAND SURVEYORS

1904 FORTVIEW ROAD
AUSTIN, TEXAS 78704
TELEPHONE: (512) 442-0990
FACSIMILE: (512) 442-1084
www.hciaustin.com

C14-2012-0108
Tract 1

"EXHIBIT _____"

RE-ZONING TRACT

FIELD NOTE DESCRIPTION OF 5.738 ACRES OF LAND OUT OF THE JOSE ANTONIO NAVARRO SEVEN LEAGUE GRANT, ABSTRACT NO. 18, IN TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN (16.761 ACRE) TRACT OF LAND AS CONVEYED TO EQUINOX POWER SYSTEMS, INC. BY GENERAL WARRANTY DEED RECORDED IN DOCUMENT NO. 2012130205 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING at a ½" iron rod found in the East right-of-way line of Ross Road, same being a point in the West line of that certain (20.94 acre) tract of land as described by metes and bounds in deed to GAB Partners, Inc., recorded in Document No. 2005225713 of the Official Public Records of Travis County, Texas, same being the most Northwesterly corner of that certain (0.206 acre) tract of land as conveyed to the City of Austin by Street Deed recorded in Document No. 2005227644 of the Official Public Records of Travis County, Texas, and for the Southwest corner of that certain (16.761 acre) tract of land as conveyed to Equinox Power Systems, Inc. by General Warranty Deed recorded in Document No. 2012130205 of the Official Public Records of Travis County, Texas, and being the Southwest corner and **PLACE OF BEGINNING** of the herein described tract to be re-zoned, and from which a ½" iron rod with a plastic cap imprinted "Lenz" found at the intersection of the West right-of-way line of Ross Road and the South right-of-way line of Pearce Lane bears, S 29 deg. 51'34" W 320.25 ft. and S 31 deg. 40'26" W 102.90 ft.;

THENCE with the East right-of-way line of Ross Road and with the West line of said Equinox Power Systems (16.761 acre) tract, **N 29 deg. 52'47" E 700.00 ft.** to a point for the Northwest corner of this tract to be re-zoned and from which a ½" iron rod found at the Northwest corner of said Equinox Power Systems (16.761 acre) tract, same being the Southwest corner of Lot 3, Block "D", Berdoll Farms Phase One, Section One, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Document No. 200100186 of the Official Public Records of Travis County, Texas bears **N 29 deg. 52' 47" E 592.58 ft.**;

end of Page 1

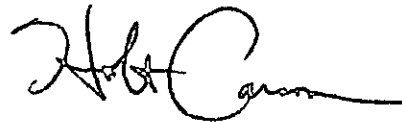
Exhibit A

THENCE leaving the East right-of-way line of Ross Road and crossing the interior of said Equinox Power Systems (16.761 acre) tract, the following four (4) courses;

- 1) S 60 deg. 00' 00" E 250.00 ft.;
- 2) S 30 deg. 00' 00" W 400.00 ft.;
- 3) S 60 deg. 00' 00" E 250.00 ft.;
- 4) S 29 deg. 43' 14" W 300.90 ft. to a point in the South line of said Equinox Power Systems (16.761 acre) tract and in the North line of Lot 1, Pearce Gardens, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Document No. 200600243 of the Official Public Records of Travis County, Texas, for the Southeast corner of this tract to be re-zoned and from which a ½" iron rod found for the Southeast corner of said Equinox Power Systems (16.761 acre) tract and for the Northeast corner of said Lot 1, Pearce Gardens, bears S 59 deg. 53' 51" E 64.49 ft.;

THENCE with the common line of said Equinox Power Systems (16.761 acre) tract and said Lot 1, Pearce Gardens, N 59 deg. 53' 51" W 500.00 ft. to the **PLACE OF BEGINNING** and containing 5.738 acres of land.

PREPARED: August 23, 2012



Holt Carson

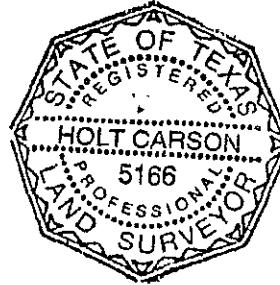
Registered Professional Land Surveyor No. 5166

see accompanying sketch: A 895104

REFERENCES:

TCAD Parcel No. 03 3043 01 21

City of Austin Grid: Q14



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PROFESSIONAL LAND SURVEYORS

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C14-2012-0108
TRACT 2

"EXHIBIT _____"

RE-ZONING TRACT

FIELD NOTE DESCRIPTION OF 11.023 ACRES OF LAND OUT OF THE JOSE ANTONIO NAVARRO SEVEN LEAGUE GRANT, ABSTRACT NO. 18, IN TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN (16.761 ACRE) TRACT OF LAND AS CONVEYED TO EQUINOX POWER SYSTEMS, INC. BY GENERAL WARRANTY DEED RECORDED IN DOCUMENT NO. 2012130205 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING FOR REFERENCE at a ½" iron rod found in the East right-of-way line of Ross Road, same being a point in the West line of that certain (20.94 acre) tract of land as described by metes and bounds in deed to GAB Partners, Inc., recorded in Document No. 2005225713 of the Official Public Records of Travis County, Texas, same being the most Northwesterly corner of that certain (0.206 acre) tract of land as conveyed to the City of Austin by Street Deed recorded in Document No. 2005227644 of the Official Public Records of Travis County, Texas, and for the Southwest corner of that certain (16.761 acre) tract of land as conveyed to Equinox Power Systems, Inc. by General Warranty Deed recorded in Document No. 2012130205 of the Official Public Records of Travis County, Texas, and from which a ½" iron rod with a plastic cap imprinted "Lenz" found at the intersection of the West right-of-way line of Ross Road and the South right-of-way line of Pearce Lane bears, S 29 deg. 51'34" W 320.25 ft. and S 31 deg. 40'26" W 102.90 ft.;

THENCE with the East right-of-way line of Ross Road and with the West line of said Equinox Power Systems (16.761 acre) tract, N 29 deg. 52'47" E 700.00 ft. to a point for the westerly Southwest corner and **PLACE OF BEGINNING** of this tract to be re-zoned;

THENCE continuing with the East right-of-way line of Ross Road and with the West line of said Equinox Power Systems (16.761 acre) tract, N 29 deg. 52' 47" E 592.58 ft. to a ½" iron rod found at the Northwest corner of said Equinox Power Systems (16.761 acre) tract, same being the Southwest corner of Lot 3, Block "D", Berdoll Farms Phase One, Section One, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Document No. 200100186 of the Official Public Records of Travis County, Texas and for the Northwest corner of the herein described tract to be re-zoned, and from which a capped iron rod found in the West right-of-way line of Ross Road at the Northeast corner of that certain (28.455 acre) tract of land as conveyed to Del Valle I.S.D. by deed recorded in Volume 9117, Page 846 of the Real Property Records of Travis County, Texas bears, N 60 deg. 14'15" W 99.70 ft.;

end of Page 1

11.023 ACRES – Re-Zoning tract

THENCE leaving the East right-of-way line of Ross Road with the North line of said Equinox Power Systems (16.761 acre) tract, and the South line of Block "D", Berdoll Farms Phase One, Section 1, **S 59 deg. 51'12" E 565.42 ft.** to a ½" iron rod with a plastic cap imprinted "T.J. Dodd" found at and angle corner of Lot 12, Block "D", Berdoll Farms Phase One, Section 1, same being the Northwest corner of Lot 5, Block "D", Meadows at Berdoll Phase One, Section 1, a subdivision in Travis County, Texas, according to the map of plat thereof recorded in Document No. 200200288 of the Official Public Records of Travis County, Texas, also being the Northeast corner of said Equinox Power Systems (16.761 acre) tract and the Northeast corner of the herein described tract to be re-zoned;

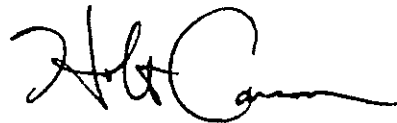
THENCE with the West line of Block "D" and Block "C", Meadows at Berdoll Phase One, Section 1, and the East line of said Equinox Power Systems (16.761 acre) tract, **S 29 deg. 55'15" W 1292.14 ft.** to a ½" iron rod found at the Northeast corner of Lot 1, Pearce Gardens, a subdivision in Travis County, Texas, according to the map or plat thereof recorded in Document No. 200600243 of the Official Public Records of Travis County, Texas and the Southeast corner of the herein described tract to be re-zoned;

THENCE with the South line of said Equinox Power Systems (16.761 acre) tract and with the North line of Lot 1, Pearce Gardens, **N 59 deg. 53'51" W 64.49 ft.** to a point for the southerly Southwest corner of this tract to be re-zoned;

THENCE crossing the interior of said Equinox Power Systems (16.761 acre) tract, the following four (4) courses;

- 1) **N 29 deg. 43' 14" E 300.90 ft.;**
- 2) **N 60 deg. 00' 00" W 250.00 ft.;**
- 3) **N 30 deg. 00' 00" E 400.00 ft.;**
- 4) **N 60 deg. 00' 00" W 250.00 ft.** to the **PLACE OF BEGINNING** and containing
11.023 acres of land.

PREPARED: August 23, 2012



Holt Carson

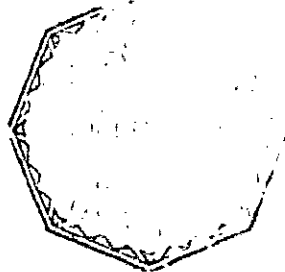
Registered Professional Land Surveyor No. 5166

see accompanying sketch: A 895104

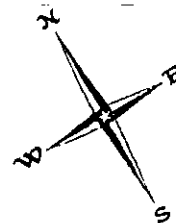
REFERENCES:

TCAD Parcel No. 03 3043 01 21

City of Austin Grid: Q14

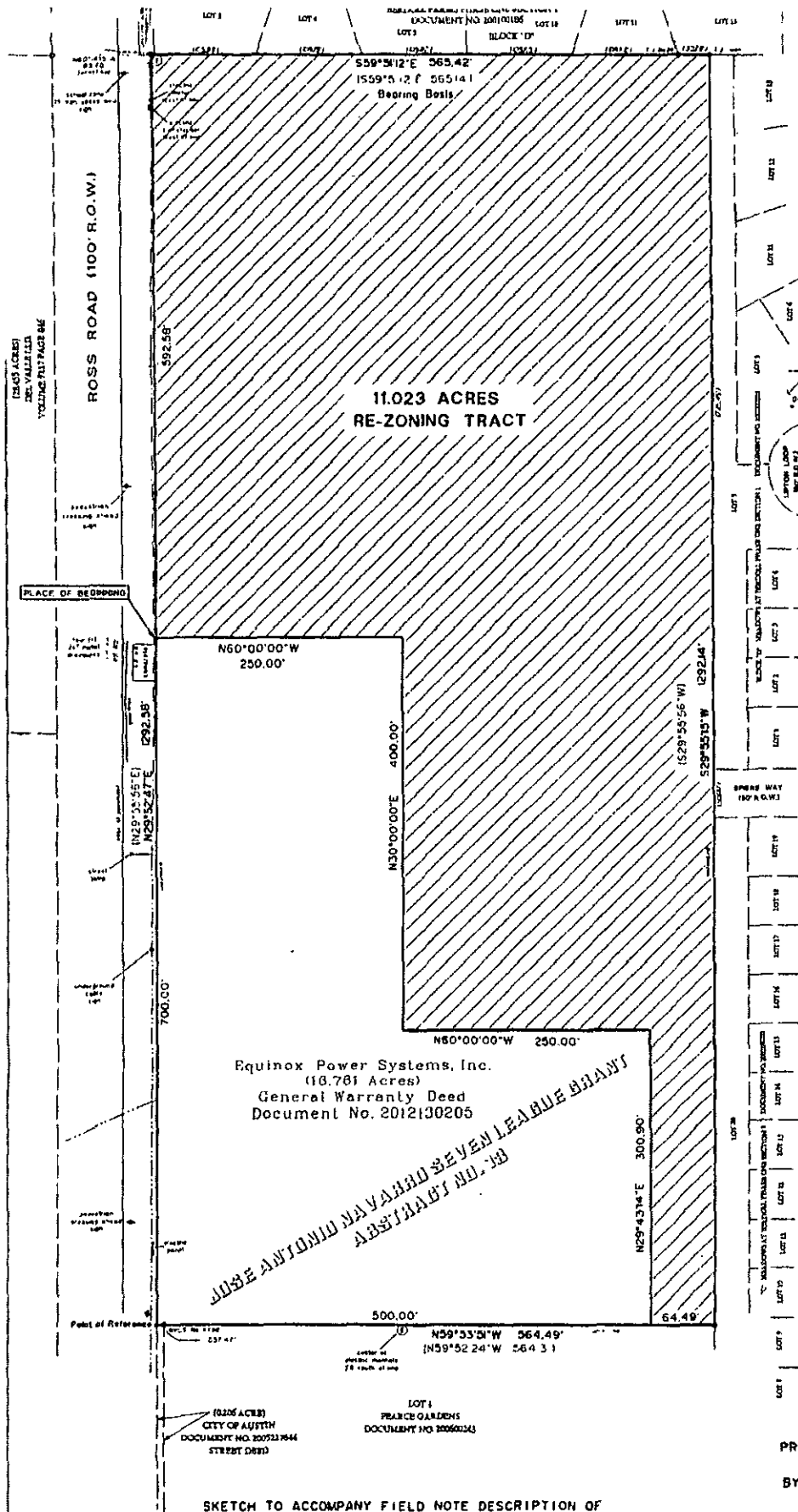


SCALE: 1" = 100'



Legend

- Iron Pin Found
- Iron Rod Found with plastic cap or metal barbed
- Sanitary Sewer Manhole
- ⊕ Telephone Manhole
- ✱ Sign as noted herein
- Waste Water Pipes
- Overhead Utility Lines
- Record Bearing and Distances



JOSE ANTONIO NAVARRO SEVEN LEAGUE GRANT
ABSTRACT NO. 18

(0.205 ACRES)
 CITY OF AUSTIN
 DOCUMENT NO. 2007117644
 STREET DEDICATION

LOT 1
 PRINCE GARDENS
 DOCUMENT NO. 200600243

SKETCH TO ACCOMPANY FIELD NOTE DESCRIPTION OF
 11.023 ACRES OF LAND OUT OF THE JOSE ANTONIO NAVARRO
 SEVEN LEAGUE GRANT ABSTRACT NO. 18 IN TRAVIS COUNTY,
 TEXAS, BEING A PORTION OF THAT CERTAIN (16.761 ACRE)
 TRACT OF LAND AS CONVEYED TO EQUINOX POWER SYSTEMS,
 INC. BY GENERAL WARRANTY DEED RECORDED IN DOCUMENT
 NO. 2012130205 OF THE OFFICIAL PUBLIC RECORDS OF
 TRAVIS COUNTY, TEXAS.

PREPARED: August 23, 2012

BY: *Holt Carson*
 Holt Carson
 Registered Professional Land
 Surveyor No. 5165
 HOLT CARSON, INCORPORATED
 PROFESSIONAL LAND SURVEYORS
 1904 FORTVIEW ROAD
 AUSTIN, TX 78704
 (512) 442-0990

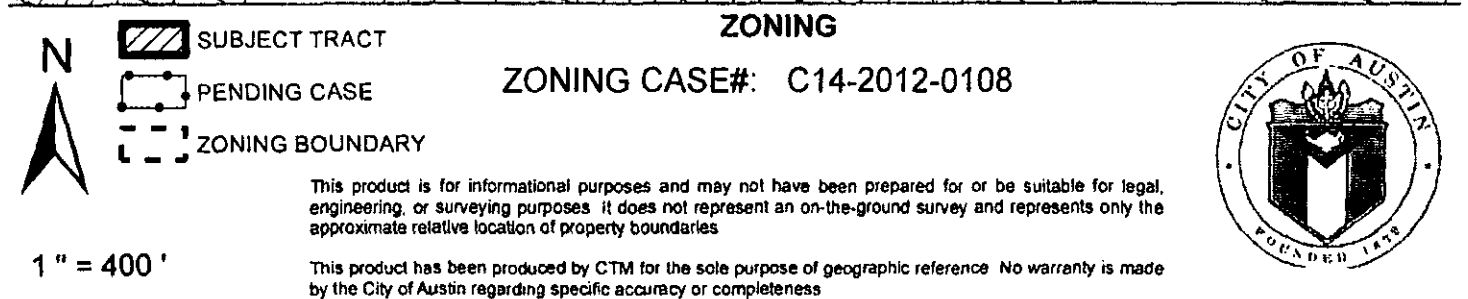


Exhibit C